

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EVELYN VILLANUEVA,)	
)	
Plaintiff)	
)	
v.)	Civil Action
)	No. 11-cv-05344
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant)	
)	
and)	
)	
SOCIAL SECURITY ADMINISTRATION,)	
)	
Interested Party)	

O R D E R

NOW, this 4th day of January, 2013, upon consideration of
the following documents:

- (1) Decision of Administrative Law Judge Lystra A. Harris dated July 12, 2010;
- (2) Complaint filed August 30, 2011;
- (3) Answer filed April 10, 2012;
- (4) Plaintiff's Motion for Summary Judgment or, in the Alternative, Plaintiff's Motion for Remand, which motion for summary judgment and alternative motion for remand was filed May 23, 2012, together with
 - (A) Plaintiff's Brief and Statement of Issues in Support of Request for Review and Motion for Summary Judgment;
- (5) Defendant's Response to Request for Review of Plaintiff, which response was filed July 20, 2012;
- (6) Plaintiff's Reply Brief filed July 30, 2012; and
- (7) Report and Recommendation of United States Magistrate Judge Jacob P. Hart filed September 4, 2012;

after a thorough review of the record in this matter; it appearing
that neither party filed objections to Magistrate Judge Hart's Report
and Recommendation; it further appearing that Magistrate Judge Hart's

Report and Recommendation correctly determined the legal and factual issues presented by plaintiff's Complaint, which sought judicial review of defendant's denial of plaintiff's claim for Supplemental Security Income,

IT IS ORDERED that Magistrate Judge Hart's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is denied.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is dismissed.¹

IT IS FURTHER ORDERED that plaintiff's alternative motion for remand is denied.

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Michael J. Astrue, Commissioner of the Social Security Administration and against plaintiff Evelyn Villanueva.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge

¹ Pursuant to paragraph 1 of the current Procedural Order for Social Security Review, plaintiff is required to serve a summons and complaint upon defendant; and pursuant to paragraph 3, plaintiff is required to file and serve "plaintiff's Brief and Statement of Issues in Support of Request for Review", which plaintiff did on May 23, 2012. Accordingly, a motion for summary judgment is no longer a required procedure in an action seeking review of a decision by the Commissioner of Social Security denying plaintiff's social security benefits. Therefore, I have dismissed plaintiff's motion for summary judgment.